

STRATEGY  
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**FRATERNIZATION: ONE POLICY FITS ALL**

BY

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USAWC STRATEGY RESEARCH PROJECT

FRATERNIZATION: One policy fits all

by

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## **ABSTRACT**

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Currently each of the military departments has its own policy on unprofessional relationships or fraternization. This diversity in policies causes confusion both inside and outside the military. The one common element among all the service's policies is the use of the Uniform Code of Military Justice for punitive action. Mindful of the civilian control of the military, the civilian perception of what constitutes an unprofessional relationship is very important. This paper reviews and compares the current policy of the services and the current trends and policies in the civilian world and recommends one policy for DOD wide usage.



## TABLE OF CONTENTS

|                                                    |     |
|----------------------------------------------------|-----|
| ABSTRACT .....                                     | iii |
| PREFACE .....                                      | vii |
| LIST OF ILLUSTRATIONS AND TABLES .....             | ix  |
| FRATERNIZATION: ONE POLICY FITS ALL SERVICES ..... | 1   |
| BACKGROUND .....                                   | 2   |
| FRATERNIZATION AND THE UCMJ .....                  | 4   |
| FRATERNIZATION; THE HISTORICAL PROSPECTIVE .....   | 4   |
| AIR FORCE POLICY .....                             | 6   |
| NAVY AND MARINE POLICY .....                       | 10  |
| ARMY POLICY .....                                  | 12  |
| CIVILIAN PERCEPTION .....                          | 14  |
| WHY ROMANCE AT WORK? .....                         | 17  |
| CONCLUSION .....                                   | 19  |
| RECOMMENDATION.....                                | 20  |
| ENDNOTES .....                                     | 23  |
| BIBLIOGRAPHY .....                                 | 25  |



## **ACKNOWLEDGEMENT**

This paper is dedicated to my wife, Stephannie, my children; Chanel, Marcus, Jamaal and Antoinette and all the talented enlisted men and women I have worked with over my Air Force career. I would not be what I am today without their love and understanding and cooperation.



## LIST OF ILLUSTRATIONS AND TABLES

|          |                                         |    |
|----------|-----------------------------------------|----|
| Figure 1 | Current DOD Population.....             | 3  |
| Figure 2 | Women in the U.S. Military History..... | 3  |
| Figure 3 | Air Force Court Martial History.....    | 9  |
| Figure 4 | Navy/Marine Court Martial History.....  | 12 |
| Figure 5 | Army Court Martial History.....         | 14 |
| Table 1  | Indiana University Survey .....         | 16 |



## FRATERNIZATION, ONE POLICY FITS ALL

Many people feel the one thing that separates human beings from beasts is the ability to control our natural instincts. Within the Department of Defense (DOD), one of man's basic instincts is the subject of different service policies; the instinct of man's sexuality and the natural attraction between men and women. Each of the services currently has their own policy on what it classifies as improper relationships or "Fraternization."

Establishment and maintenance of a relationship between officers and enlisted members is considered taboo under any circumstances by some services, but allowed under certain circumstances by other services. The one common thread that runs through all the polices is failure to comply can result in punishment under the Uniform Code of Military Justice (UCMJ).

This diversity in policies causes confusion both inside and outside the military. One service makes a distinction between the criminal offense of fraternization and the regulatory policy against improper relationships. Other services deem any informal relationship between seniors and juniors improper.

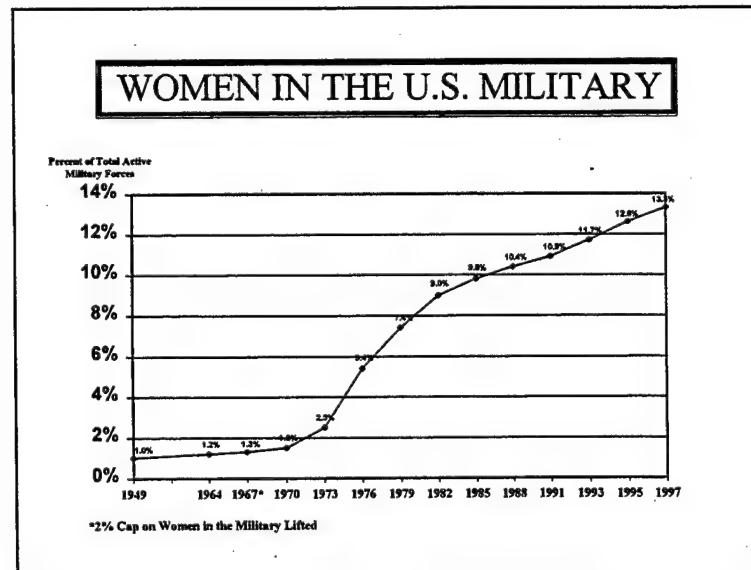
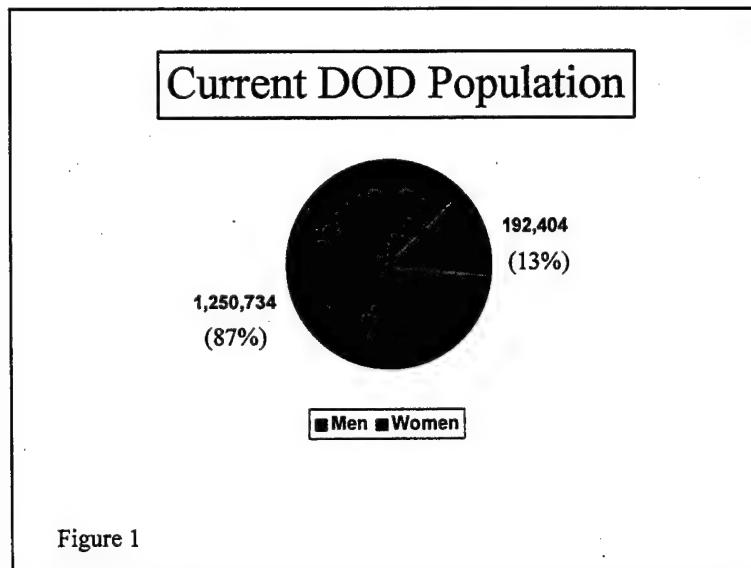
As society has changed its views on women in the military, as well as in the workplace in general, the services' strict rules for social behavior are now being questioned. Questions are

being asked about the relevance of the policy both in the military by its members and by the civilian populace that controls the military.

The Department of Defense (DOD) needs to establish one policy on fraternization, accepted by both the military and civilian communities, and utilize that policy throughout all the services. This policy needs to be changed for the better understanding by the military members. Additionally, the constitutionally established civilian control of the military, makes the civilian perception and acceptance of a policy equally important.

#### BACKGROUND

Currently, close to 14% of the DOD military population (officers and enlisted) is female (Figure 1). The military services would not be able to meet their annual recruiting goals if women were excluded from the pool. As these numbers have historically increased, so does the opportunities for mutually receptive relationships to occur between military men and women (Figure 2).



## FRATERNIZATION AND THE UCMJ

The following articles in the UCMJ are used to prosecute fraternization cases in the military:

Article 92. Failure to obey order or regulation

Article 133. Conduct unbecoming an officer and gentleman.

Article 134. General Article.<sup>1</sup>

With the revision of the Manual for Courts-Martial in 1984, fraternization became a specifically listed criminal offense.

The maximum punishment is dismissal, total forfeitures, and confinement for two years. The gist of this offense is a violation of the custom of the Armed Forces against fraternization between officers and enlisted service members.

To better understand the emotion and complexity of the issue of fraternization within the military you have to understand fraternization from the historical perspective.

## FRATERNIZATION; THE HISTORICAL PERSPECTIVE

Fraternization rules are based on the customs and traditions of the armed services, which impose higher standards of conduct upon officers than upon enlisted personnel. Historically, the doctrine goes back to the times of the Norman Conquest and William the Conqueror. The advent of feudalism spawned a caste system, in which each stratum developed its own standard of

conduct and values. "The knights and warriors were bound by a code of chivalry that imposed a high standard of moral conduct. Later, as the practice of hiring mercenaries came into vogue, the role of the knight evolved into one of an officer-with the higher standard of moral conduct still in force."<sup>2</sup>

The doctrine was first codified by King Gustavus Adolphus of Sweden in 1621. In a time when was fought in a series of choreographed close-ordered drills, requiring the soldier to march into enemy fire, it was necessary for the soldier to fear his officers and the consequences of cowardice even more than the enemy. Consequently, discipline and fighting ability were sustained by the troops' fear of their leaders. To enforce discipline through fear, officers were forbidden to associate, on any level, with the foot soldier. Strict segregation by rank furthered this officer mystique.<sup>3</sup>

The British, following this pattern of leadership, adopted King Adolphus' officer-and-gentlemen standards. These were codified in the British Articles of War and later incorporated in the American military experience.

James Thomas Flexner's biography of George Washington identified the failure to enforce the prohibition of officer-enlisted fraternization as one of the greatest problems of the Continental forces when Washington took command. Such familiarity led to a serious breakdown of

discipline and the commanders' inability to issue effective orders.<sup>4</sup>

The American revolution did not change the social order in the armed forces. Although established to defend our democratic institutions, the U.S. military is not itself a democratic institution by either intent or design. Created long before women entered the military, the fraternization policy originally addressed social relationships between men of different ranks.

The class distinction between officers and enlisted personnel survived two world wars despite the large number of officers who came from the enlisted ranks, the infusion into the enlisted ranks of men from the upper socio-economic levels, and the interjection of women into the officer and enlisted ranks.<sup>5</sup>

#### AIR FORCE POLICY

The Air Force did a major rewrite of its regulation on fraternization in May 1996. To help its commanders specifically, and all members in general clearly understand what the rules are. The new regulation identifies that unprofessional relationships can exist between military members and members of the civilian employee work force, between officers, and between officers and enlisted members. The majority of the regulation concerns the officer and enlisted relationships. The regulation specifies:

Specific prohibitions relating to officers (Fraternization). Unprofessional relationships between officers and enlisted members have a high potential for damaging morale and discipline and for compromising the standing of officers.

Consequently, officers have an ethical and a legal obligation to avoid certain relationships and activities. Officers must not engage in any activity with an enlisted member that reasonably may prejudice good order and discipline, discredit the armed forces or compromise an officer's standing. The custom against fraternization in the Air Force extends beyond organizational and chain of command lines. In short, it extends to all officer/enlisted relationships.

**Specific Prohibitions.** Conduct which violates the custom of the Air Force against fraternization can be prosecuted under Article 134 of the UCMJ. In addition, with reasonable accommodation of married members and members related by blood or marriage, the following conduct is prohibited and can be prosecuted under either Article 92 of the UCMJ, Article 134, or both, and any other applicable article of the UCMJ when appropriate:

Officers will not gamble with enlisted members.

Officers will not borrow money from or otherwise become indebted to enlisted members.

**Officers Will Not Engage in Sexual Relations With or Date Enlisted Members.** Dating as set out here includes not only traditional, prearranged, social engagements between two members, but also includes more contemporary social activities that would reasonably be perceived to be a substitute for traditional dating.

**Officer/Enlisted Marriages.** Officer/enlisted marriages are not always the result of fraternization. Some are created by commissioning civilians married to enlisted members; others by commissioning an enlisted member married to another enlisted member. A small number of these marriages occur by operation of law following force reductions and non-selection for promotion of some officers with prior enlisted service. Consequently, the fact that an officer is married to an enlisted member is not, by itself, evidence of misconduct. When evidence of fraternization exists, however, the fact that the officer and enlisted member subsequently marry does not preclude appropriate command action based on the prior fraternization. Regardless of how the marriage came to be, married members are expected to respect all customs and courtesies observed by members of different grades when they are on duty or in uniform in public.

Officers Will Not Share Living Accommodations With Enlisted Members. This prohibition does not extend to situations where military operations reasonably require sharing of living accommodations.<sup>6</sup>

The Air Force unquestionably has the toughest guidelines of all the services. It is also the Air Force with the most sensational cases being publicly dragged through the media concerning fraternization. General Joseph Ralston was considered as a candidate for the Chairman of the Joint Chiefs of Staff. However, he withdrew from consideration for the job after it was revealed he had an affair, with a civilian, when he was separated in 1992 from his then-wife.

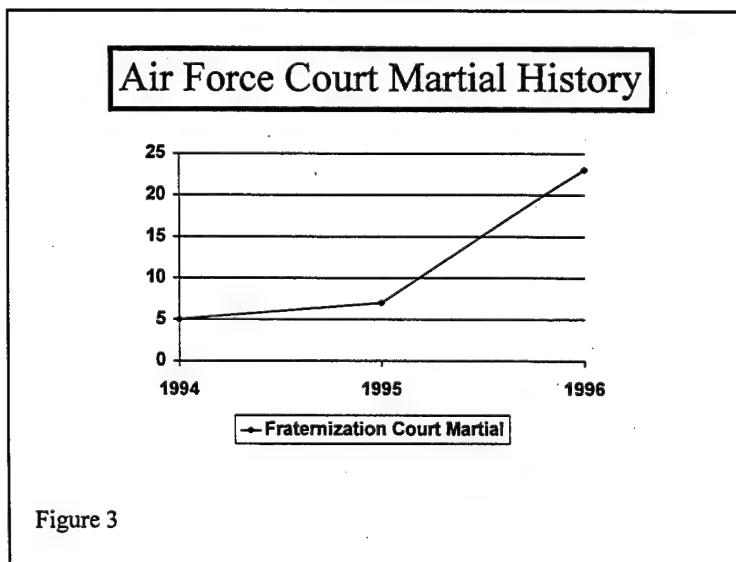
In another case covered by the media, Air Force Captain Douglas Chin said he was confused by the Air Force policy and unaware of the consequences when he began seeing an enlisted woman at Barksdale Air Force Base, La., in 1996. Although the woman left the Air Force and the couple married, a board of inquiry recommended Chin's discharge.

The Air Force case that received the most media attention recently was First Lieutenant Kelly Flinn. Lt Flinn was the Air Force's poster girl as the first female pilot for B-52s (Bomber Aircraft). In her own book, Lt Flinn stated, "I was to cease and

desist from all contact with Marc Zigo and Colin Thompson (an enlisted man I'd slept with once at a drunken party)."<sup>7</sup>

Lt Flinn was charged with adultery, lying and disobeying an order. After going to the media and portraying herself as a victim, Lt Flinn was granted a general discharge in lieu of a court martial by Secretary of the Air Force, Sheila Widnall.

During the past five years the number of court martial cases dealing with fraternization conducted by the Air Force have shown an upward trend (See figure 3). Can this be good for the service? Will this have an effect on the recruitment of officers or enlisted members in the future? These are the questions the leadership of the Air Force must answer.



## NAVY AND MARINE POLICY

The Navy and Marine policy are restrictive also. The Navy is faced with the unique problem of having its members assigned to ships (virtual man-made islands) for six months long cruises. August 1972 was the first time that women were assigned to ships, prior to that women were restricted to land duty. Due to the close nature of its business the Navy's rules are different. Specifically the regulation states:

Personal relationships between officer and enlisted members that are unduly familiar and that do not respect differences in grade or rank are prohibited. Such relationships are prejudicial to good order and discipline and violate long-standing traditions of the naval service.

When prejudicial to good order and discipline or of a nature to bring discredit on the naval service, personal relationships between officer members or between enlisted members that are unduly familiar and that do not respect differences in grade or rank are prohibited. Prejudice to good order and discipline or discredit to the naval service may result from, but are limited to, circumstances which:

- (1) call into question a senior's objectivity;
- (2) result in actual or apparent preferential treatment;
- (3) undermine the authority of a senior; or
- (4) compromise the chain of command.<sup>8</sup>

The Navy has not had a lot of media attention concerning fraternization. However, it was not too long ago that the Navy was on the hot seat because of the "Tailhook" situation. At the 35th Annual Tailhook Symposium (September 5 to 7 1991) at the Las Vegas Hilton Hotel, according to a report by the Inspector General of the Department of Defense, 83 women and 7 men were

assaulted during the three-day aviator's convention, Investigators for the DOD interviewed 2,900 people who Attend Tailhook '91 and obtained photographs, documents and other evidence of crimes and misconduct by naval aviators.

In total, 119 Navy and 21 Marine Corps officers were referred by the Pentagon investigators for possible disciplinary actions. They were cited for incidents of indecent assault, indecent exposure, fraternization, conduct unbecoming of an officer or failure to act in a proper leadership capacity while at Tailhook '91.

Ultimately the careers of fourteen admirals and almost 300 naval aviators were scuttled or damaged by Tailhook. For example, Secretary of the Navy H. Lawrence Garrett III and Chief of Naval Operations, Admiral Kelso were both at Tailhook '91. Garrett ultimately resigned and Kelso retired early two after the convention.

In the wake of Tailhook, the Navy expanded its policy on fraternization, initiated a strenuous training program and strictly enforced its policy. The chart at Figure 4 shows the increase of cases by the Navy since 1992.

## Navy/Marine Court Martial History

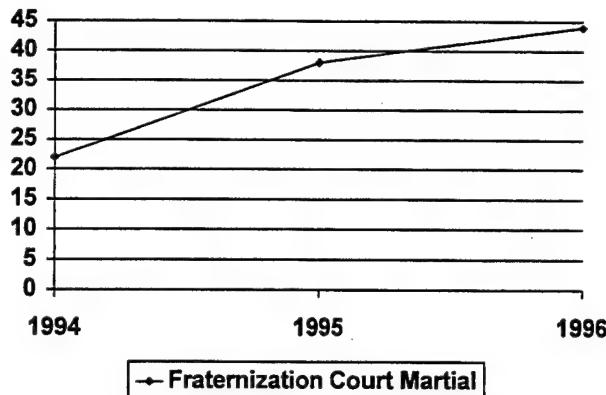


Figure 4

### ARMY POLICY

The Army is the service with the least restrictive policy.

Unlike the other services, the Army does not have a separate regulation covering fraternization. The Army policy on fraternization is included in it's Command Policy regulation. Specifically the regulation states:

Relations between soldiers of different rank that involve, or give the appearance of, partiality, preferential treatment, or the improper use of rank or position for personal gain, are prejudicial to good order, discipline, and high unit morale. It is Army policy that such relationships will be avoided.

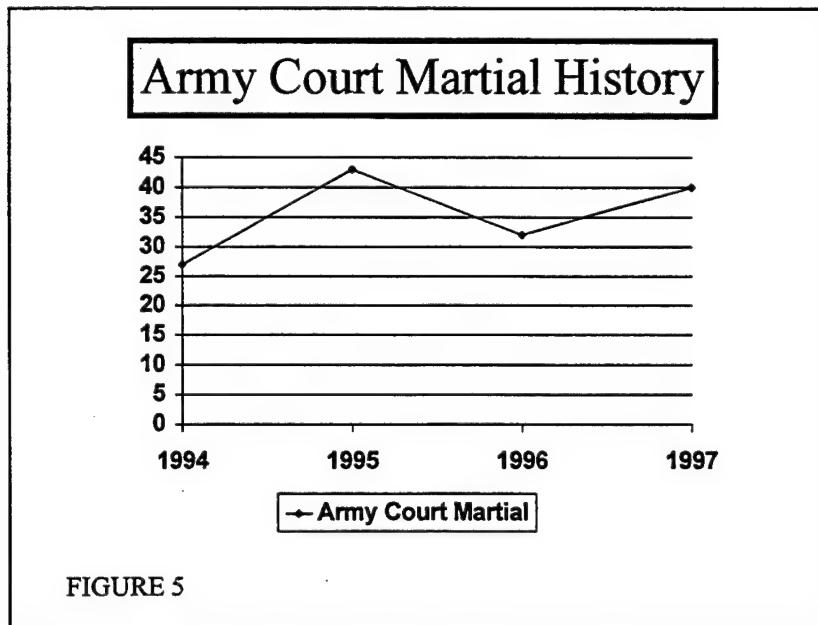
When the senior has authority over the lower ranking soldier or has the capability to influence actions, assignment, or other benefits or privileges, there is the strongest justification for exercising restraint on social, commercial, or duty relationships. **At the same time, when the senior does not have this authority or capacity regarding the lower ranking soldier, social relationships are not inherently improper and normally need not be regulated.** Soldiers must be aware, however, that even these relationships can lead to perceptions of favoritism and exploitation under certain circumstances.<sup>9</sup>

The Army's most notable fraternization case recently occurred at Aberdeen Proving Ground, Maryland. A company command and two drill sergeants were charged with sexual offenses with young female students. Captain Derrick Robertson, who was relieved of duty as company commander of A Company, 143rd Ordnance Battalion, was charged with rape, forcible sodomy, conduct unbecoming an officer (Fraternization), failure to obey a lawful general order, adultery, indecent assault on a female soldier and obstruction of justice.

The Army treated this primarily as a case of sexual harassment. However, it started with an officer and senior NCOs fraternizing with female students at the training facilities. This clearly demonstrates the need to prohibit relationships within the chain of command. Of particular importance is the relationship between soldiers and other service members in training and their instructors. The relationship between faculty and students-and inherently tempting power inequality- has led

many universities to explicitly state codes of sexual ethics.<sup>10</sup> The military does and should continue to follow this guidance.

Figure 5 shows the statistics for the Army and its court martial dealing with fraternization.



#### CIVILIAN PERCEPTION

The military instituted fraternization policies because good order and discipline are believed by the military leadership to be critical to the nature of its business. However, the civilian community does not view romance in the workplace in the same

light. The perception of the civilian leaders of the military is critical to the need for a new policy.

Once upon a time, a single corporate dictum effectively covered the subject of workplace romance: Don't date your secretary. Today, with women working beside men in an increasing number of both white and blue-collar jobs, and with society taking a more relaxed view of sex, the situation has become as complex as ever. Companies agree that more opportunity has produced more romance. Beyond that, they disagree. Today's corporate attitudes range from accommodation to hostility. The most common is probably deep unease.

A survey of undergraduate business students and part-time (evening) MBA students was conducted at Indiana University Graduate School of Business. Questions were asked concerning romance in the workplace that revealed the following results. Answers were scaled from disagreement at one point to strongly agreed with six points.

The chart at Table 1 indicates the results showing the students overwhelmingly agreed that management had no right to interfere with an employee's personal life and it is all right to look for a marriage partner at work.

| Question                                                            | Combined | Male | Female | Undergrad | Grad |
|---------------------------------------------------------------------|----------|------|--------|-----------|------|
| A person's personal life is not the business of management          | 5.44     | 5.18 | 5.77   | 5.43      | 5.48 |
| A manager should be unconcerned with an employee's sexual habits    | 5.14     | 5.04 | 5.27   | 5.18      | 5.04 |
| It is all right for someone to look for a marriage partner at work. | 5.15     | 5.22 | 5.07   | 5.16      | 5.13 |

TABLE 1 (1) Strongly disagree to (6) Strongly agree

Additional research revealed further evidence of the laissez faire attitude of the civilian sector. Dr. Philip L. Hunsaker, Professor of Management and Director of Management Programs in the School of Business Administration at the University of San Diego states:

In the civilian sector, management needs to determine its position: can the organizational climate tolerate intraoffice relationships? If not, a policy against them should be set up and enforced throughout the organization. Employees who break company policy should be warned that both participants will be asked to leave unless the relationship is terminated.

A second course of action -- noninterference -- is perhaps the more realistic and sensible choice, given that taboos tend to have on human behavior. However, a company can and should expect relationships not to interfere with performance. An organization can institute a policy whereby employees are disciplined or even terminated if their private lives begin to interfere with smooth operation of the workplace. A policy of noninterference can work if managers are properly trained to deal with romances and are encouraged to be direct and open about potential problems.<sup>11</sup>

Most organizational romances are between higher-status males and lower-status females. A survey of romances in white-collar

sittings found that 62% involved a man in a higher position, 30% involved men and women at the same level, and only 8% involved a woman in a higher position, possibly because more men are in management positions, particularly at upper levels.<sup>12</sup>

The most common corporate policy is a hands-off position on workplace romances unless they involve already married employees or employees whose jobs have an impact on each other. "As long as the relationship doesn't affect our ability to get out ads' it is none of our damn business," says Thomas A. Nossem, manager of employee relations at Leo Burnett Co. in Chicago.<sup>13</sup>

A 1994 survey by the American Management Association, an organization with 10,000 corporate members, found that only 6 percent of those responding had a written policy on employee dating.<sup>14</sup> Less than 1 percent of the executives in the 1994 survey said their companies banned all employee dating, and 74 percent said they thought it was OK to date a co-worker, although only 21 percent approved of dating subordinates.<sup>15</sup>

#### WHY ROMANCE AT WORK?

Sexual attention in the workplace (including the military) is a topic that has emerged as women have gained increased status in organizations. One side of the topic pertains to unwanted sexual attention, or sexual harassment, which has already become

a major public concern. The other side of the topic pertains to wanted sexual attention, or sexual intimacy, which has received less notice.

In light of the prevalence of organizational romances, a few authors (Anderson & Hunsaker, 1985; Quinn, 1977) attempted to identify the workplace conditions that may increase the incidence of organizational romances. Both survey research and case studies indicated that proximity is a factor that deserves attention. Working closely with others appears to foster interpersonal attraction.

A 1985 survey conduct by Anderson and Hunsaker showed that in 68 percent of all romances, participants were located in the same immediate vicinity, and 94 percent of the cases occurred in the same building.<sup>16</sup>

A second contributing factor appears to be the intensity of the work relationship. Due to the pursuit of similar work goals, the workplace sets the appropriate conditions for romance.

While pursuing similar goals and performing similar tasks, there may be feeling of excitement that occurs when a project is successful. Feelings of successful talk accomplishment are known to foster interpersonal attraction. These dynamics then may set the stage for such relationships to develop and be acted upon by willing parties.<sup>17</sup>

The military environment is conducive to both conditions mentioned above; vicinity of the workplace and intensity of work relationships. The basic structure of the military divides people into units. Once in these units, military members work,

train, travel, and in most cases eat together. Additionally, No other organization is more goal oriented then the military. Every military member knows the mission and goals of their organization and everyone works toward reaching those goals.

The biological urges that help drive human behavior are neither inherently evil nor socially unacceptable, but they can become so within professional relationships. Can the military truly regulate man and his instinctive behavior? Additionally, is it fair for the Air Force and Navy to punish it members, under the common rules of the UCMJ, for participating in a relationship that the Army does not?

#### CONCLUSION

Unlike stealing and murder, fraternization and adultery are punishable only when they disrupt good order and discipline. The military does not seek out adulterers and fraternizers, and it is only when their activity is reported that an investigation is started and the accused is called upon to tell the truth.<sup>18</sup>

The case of Lieutenant Kite (an Air Force officer pending court martial for fraternization) underscores the ad hoc system of military justice, in which different punishments can be meted out for a crime like fraternization, depending on the judgments, even whims, of the officers in the chain of command.<sup>19</sup>

The Defense Advisory Committee on Women in the Services (DACOWIRS) stated in its report on Overseas Installation Visits (13 July - 27 July 1997):

Fraternization was discussed as obvious at some installations and on some ships, but service members overall discussed the need for greater clarity and a more "common sense" approach to service fraternization policies. Service members in joint environments in Okinawa and Guam described the need for a "joint" or single fraternization policy. "When you are working together, it makes no sense to have different rules in different services," is typical of their comments. The approach suggested by most service members referred primarily to the enlisted ranks, but also to officer/enlisted relationships in some cases. Simply, service members perceive that fraternization within a chain of command disrupts the unit. When service member couple are reassigned or promoted so that their existing relationship constitutes "fraternization" within a chain of command, they suggested almost unanimously that one member of the couple must be transferred or resign from the service. Outside of a chain of command, few service members saw service couples as posing readiness or unit problems.<sup>20</sup>

The Defense Undersecretary for Personnel and Readiness, Rugy de Leon stated, "A standard policy would resolve disparities that allow an Army officer, for instance, to marry an enlisted person and receive a housing allowance. In the Air Force, the identical behavior could lead to a court-martial."<sup>21</sup>

#### RECOMMENDATION

The military needs to control the behavior of its members to some degree. Like in the civilian world, relationships effecting productivity can not be allowed. This happens unquestionably if

an unprofessional relationship occurs within the chain of command. However, outside of the chain of command, relationships between officers and enlisted members need not be regulated.

When fraternization and unprofessional relationships do occur, commanders can draw on a wide range of responses, ranging from counseling individuals, to admonition and reprimand, nonjudicial punishment under Article 15 of the UCMJ, administrative separation, and in the most aggravated cases, court martial.<sup>22</sup>

To end the confusion over which policy applies to which member from what service, the DOD needs to establish one DOD wide policy. Consistency of application and punishment is the key to a new policy. The Army's policy on fraternization is right on target. It controls officer and enlisted relationships when needed and allows human nature to continue.

4656 words



## ENDNOTES

<sup>1</sup> Frederick B. Wiener, The Uniform Code of Military Justice; Explanation, Comparative Text and Commentary, Washington D.C.: Combat Forces Press, 1950.

<sup>2</sup> Louis J. Puleo, "Fraternization." Proceedings (June 1992): 40.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., 41.

<sup>5</sup> Jeanne Holm, Women in the military: an unfinished revolution, (Novato CA, Presidio Press, 1992), 73.

<sup>6</sup> Department of the Air Force, Professional and unprofessional relationships, Air Force Instruction 36-290. (Washington D.C.: U.S. Department of the Air Force, 1 May 1996)

<sup>7</sup> Kelly Flinn, Sex, Lies and Me. (Washington D.C.: Random House, 1997), 57.

<sup>8</sup> Department of the Navy, Navy Fraternization Policy, OPNAVINST 5370.2A. (Washington D.C.: U.S. Department of the Navy, 14 March 1994)

<sup>9</sup> Department of the Army, Army Command Policy, Army Regulation 600-20. (Washington D.C.: U.S. Department of the Army, 30 March 1988)

<sup>10</sup> Lisa A. Mainiero, "A review and analysis of power dynamics in organizational romances." Academy of Management Review 11, no. 4 (1986): 36.

<sup>11</sup> Carolyn I. Anderson, and Philip L. Hunsaker, "Why there's romancing at the office and its everybody's problem." Personnel (February 1985): 63.

<sup>12</sup> Gary Powell, Women & Men in Management. (Newbury Park: Sage Publications, 1993), 135.

<sup>13</sup> "When romance blooms at the workplace." Business Week (June 1984). 70-71.

<sup>14</sup> Carol M. Cropper, "That unwritten code against fraternization," New York Times, 26 October 1997, Sec 1, p.14.

<sup>15</sup> Ibid.

<sup>16</sup> Lisa A. Mainiero, "A review and analysis of power dynamics in organizational romances." Academy of Management Review 11, no. 4 (1986): p. 750

<sup>17</sup> Ibid.

<sup>18</sup> Elaine Sciloino, "A rigidly flexible notion of truth," New York Times, 20 July 1997, Sec 4, P.5.

<sup>19</sup> Elaine Sciloino, "Courtship leads to marriage and maybe officer's ouster," New York Times, 3 July 1997, Sec A, P.1.

<sup>20</sup> Report of the Defense Advisory Committee on Women in the Services, Overseas Installation Visits, 13 July - 27 July 1997.

<sup>21</sup> John Pulley, "Fraternization rules may change." Air Force Times (5 January 1998): 14.

<sup>22</sup> U.S. Department of the Air Force. Policy Letter Digest. September 1997. Policy, p 2.

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